

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

IN RE:	*	CHAPTER 7
	*	
CLINTON WILDER, A/K/A	*	
CLINTON WAYNE CARTLEDGE WILDER, *	*	
CARRIE WILDER,	*	
A/K/A CARRIE DEAL WILDER,	*	
A/K/A CARRIE DEAL,	*	
	*	CASE NO. 09-22893-reb
	*	
DEBTORS.	*	
	*	
	*	
DONALD F. WALTON,	*	
UNITED STATES TRUSTEE,	*	CONTESTED MATTER
	*	
MOVANT.	*	
	*	
	*	
v.	*	
	*	
CLINTON WILDER, A/K/A	*	
CLINTON WAYNE CARTLEDGE WILDER, *	*	
	*	
	*	
RESPONDENT.	*	JUDGE BRIZENDINE
	*	

MOTION TO REOPEN CASE

COMES NOW the United States Trustee and, pursuant to 11 U.S.C. § 350(b) and Federal Rule of Bankruptcy Procedure 5010, respectfully requests the Court reopen this case and waive the filing fee. As cause therefore, the United States Trustee respectfully shows as follows:

1.

Debtors Clinton Wilder and Carrie Wilder (hereinafter “Debtors” or “Respondents”) commenced this case on July 15, 2009 by filing a voluntary chapter 7 petition.

2.

On November 10, 2009, this Court issued an order discharging the Debtors and closing the estate.

3.

On March 15, 2002, Debtor Clinton Wilder received a chapter 7 discharge in a previous case, case no. 01-74644-adk, filed on November 27, 2001.

4.

Pursuant to 11 U.S.C. § 727(a)(8), Debtor Clinton Wilder was ineligible to receive a chapter 7 discharge in the instant case, case no. 09-22893-reb.

5.

Section 350(b) of the Bankruptcy Code provides that “[a] case may be reopened ... to administer assets, to accord relief to the debtor, or for other cause.” Bankruptcy Courts are afforded broad discretion in the decision to reopen a closed case. *In re Padilla*, 365 B.R. 492, 503 (Bankr. E.D.Pa. 2007).

6.

The United States Trustee requests that this Court reopen this closed case in order to (i) permit the United States Trustee to examine Debtor Clinton Wilder pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, (ii) consider a complaint pursuant to 11 U.S.C. § 727(d) to revoke Debtor Clinton Wilder’s discharge, and (iii) consider any related motions.

7.

Because there are no funds currently on hand in the estate, the filing fee for reopening this case should be waived or deferred until the case is closed.

WHEREFORE, the United States Trustee prays that the Court reopen case no. 09-22893-reb, waive the filing fee for reopening the case, and grant all other relief as is just and proper.

DONALD F. WALTON
UNITED STATES TRUSTEE
REGION 21

/s/ David S. Weidenbaum
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CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2010, a true and correct copy of the foregoing Motion to Reopen Case was sent by United States Mail, properly addressed and with correct postage, to the following:

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